

REMARKS

Claims 6-12 are pending in the application. In the Final Office Action, claims 6-12 were rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement for their reference to first and second conditions, and claim 6 was rejected under 35 USC §112, second paragraph, as being indefinite for lack of specific recitation of what the first condition is and how it is met. Claims 6, 7, and 9-12 were rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 2,907,859 ("Walkoe") in view of U.S. Patent Application Pub. No. US 2004/0027248 A1 ("Lile"). Claim 8 was rejected under 35 USC §103(a) as being unpatentable over Walkoe as modified by Lile in further view of U.S. Patent Application Pub. No. US 2003/0010221 ("Berger").

Claims 6 and 7 have now been amended to remove the recitation of first and second conditions. Claims 6 and 7 have been further amended to recite that the first signal is indicative of a completion of a cooking process based on the exhaustion of a cooking time or a signal provided by a temperature or a humidity sensor disposed in the cooking chamber, support for which can be found, for example, at paragraphs [0024] and [0027] of the specification as filed. No new matter has been added.

Reconsideration of the application in view of the above amendments and following remarks is respectfully requested.

Rejections Under 35 U.S.C. §112

Claims 6-12 were rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement for their reference to first and second conditions, and claim 6 was rejected under 35 USC §112, second paragraph, as being indefinite for lack of specific recitation of what the first condition is and how it is met.

Claims 6 and 7 have now been amended to remove the recitation of the first and second conditions. Thus, the rejection under 35 U.S.C. §112, first paragraph, is believed to be moot.

Further, claim 6 has been amended for clarity. The amendment to claim 6 has literal support in the specification as filed. In this way, claim 6 is believed to comply with the requirements under 35 U.S.C. §112, second paragraph. Accordingly, reconsideration and withdrawal of the rejections under the first and second paragraphs of 35 USC §112 is respectfully requested.

Rejections Under 35 U.S.C. §103

Claims 6, 7, and 9-12 were rejected under 35 USC §103(a) as being unpatentable over Walkoe in view of Lile. Claim 8 was rejected under 35 USC §103(a) as being unpatentable over Walkoe as modified by Lile in further view of Berger.

Applicants have already shown in a previous response that Walkoe fails to teach or suggest an apparatus or method for automatically closing a door of a cooking appliance when a second signal is present. Such second signal is different than a first signal that causes the door to move to an open position. Specifically regarding claims 6 and 7, the Office Action relies on the disclosure of Lile to purportedly provide the teachings lacking from Walkoe.

Walkoe describes an oven having a device for automatically opening the door after a cooking operation is complete such that the temperature of the oven may drop (see, e.g., col. 1, lines 15-19). As is generally provided in Walkoe, the automatic door opening function of his device serves to vent hot air from a cooking chamber of the oven to avoid overcooking. Walkoe neither discloses nor suggests an automated function for closing the door of the oven, nor does Walkoe disclose continuing to monitor oven parameters after the door of the oven has been opened. In fact, Walkoe describes that following the partial opening of the door, which is accomplished automatically, closing of the door is prevented until the door is pulled to a fully open position and subsequently closed by the cook. (See, for example, FIG. 3 and the description at col. 7, lines 20-44). In other words, Walkoe describes that closing of the automatically-opened door is prevented until the door is pushed from a partially open to a fully open position.

Lile describes a method and apparatus for identifying an alarm condition, such as the presence of smoke, in a cooking apparatus (see, e.g., Abstract). In one embodiment, the cooking apparatus of Lile includes a user controlled door opening and closing mechanism. As described by Lile, the user controlled opening and closing of the door is preferred because it obviates the need for

a door handle such that, in an emergency condition, the user is unable to open the door. (See, for example, paragraph [0029]). In other words, Lile describes a manually controlled door opening and closing mechanism, which merely carries out mechanically the manual opening and closing door commands of the user.

Claims 6 and 7 of the present application have now been amended so as to recite “automatically returning the door from the open position to the closed position in response to a second signal indicative of a physical quantity including at least one of temperature and humidity in the cooking chamber falling below a predetermined threshold value stored in a memory of the cooking appliance control system.” The door closing function as recited in claims 6 and 7 is thus accomplished based on parameters relating to the cooking process.

It is respectfully submitted that neither Walkoe nor Lile teaches or suggests, alone or in combination, automatically returning the door of an appliance from the open position to the closed position in response to a signal indicative of a physical quantity including at least one of temperature and humidity in the cooking chamber falls below a predetermined threshold value, as recited in amended claims 6 and 7. In contrast, Walkoe merely describes an oven having a device for automatically opening the door, and thereafter preventing the door from closing unless a user manually intervenes, after a cooking operation is complete such that the temperature of the oven may drop (see, e.g., Walkoe at col. 1, lines 15-19). Lile merely describes manually commanded door closing to avoid accidental opening of the door (see, e.g., Abstract of Lile and disclosure at paragraph [0029] of Lile).

Thus, even if one were to combine the door closing mechanism of Lile, which is manually controlled by the user, with the door opening apparatus described by Walkoe, one would still not achieve a device or method that automatically closes a door in response to a signal indicative of a physical quantity including at least one of temperature and humidity in the cooking chamber falling below a predetermined threshold value stored in a memory, as required by amended claims 6 and 7.

Moreover, it is respectfully submitted that the combination of the device of Walkoe with the door closing signal of Lile would be inoperable because, as has been shown above, the device of Walkoe is configured to only partially open the oven door, and to prevent closing of the door

regardless of the electrical signals present in the device until a user manually places the door to a fully open position.

Based on the foregoing, it is respectfully submitted that each of the cited references, as well as their combination, fails to teach or suggest at least the above-recited features of claims 6 and 7. Nor would it have been obvious to combine the cited references in such a way to include this feature because the such combination would be inoperable and because the specific teachings required to yield the claimed feature are absent from the references. Nor does Berger teach or suggest the above-recited feature demonstrated to be absent from the combination of Walkoe and Lile.

For the foregoing reasons, it is respectfully submitted that any combination of Walkoe, Lile, and Berger, to the extent proper, could not render claims 6 and 7 or dependent claims 8-12 obvious.

Reconsideration and withdrawal of the respective rejections of claims 6-12 under 35 U.S.C. §103(a) is respectfully requested.

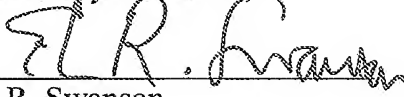
CONCLUSION

In view of the above amendments, applicants believe the pending application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

The Commissioner is hereby authorized to charge any unpaid fees deemed required in connection with this submission, including any additional filing or application processing fees required under 37 C.F.R. §1.16 or 1.17, or to credit any overpayment, to Deposit Account No. 12-1216.

Dated: June 15, 2010

Respectfully submitted

By 
Erik R. Swanson

Registration No.: 40,833
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago, Illinois 60601-6731
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

Attorneys/Agents For Applicants